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12 Attorneys for Plaintiff
UNITED STATES OF AMERICA

13 UNITED STATES DISTRICT COURT
14
FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

No. CR 17-00420-SJO

16 Plaintiff,

GOVERNMENT'S MOTION TO DISMISS
WITHOUT PREJUDICE COUNT FIVE OF
THE FIRST SUPERSEDING INDICTMENT
PURSUANT TO FEDERAL RULE OF
CRIMINAL PROCEDURE 48(a)

17 v.

18 ALEKSANDR SURIS and
MAXIM SVERDLOV,

Trial Date: August 6, 2019
Trial Time: 9:00 a.m.
Courtroom: 10C

19 Defendants.

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21 Plaintiff United States of America, by and through its counsel
of record, the Fraud Section of the Department of Justice, hereby
submits its Motion to Dismiss Without Prejudice Count Five of the
First Superseding Indictment ("FSI") Pursuant to Rule 48(a) of the
Federal Rules of Criminal Procedure against defendants Aleksandr
Suris and Maxim Sverdlov, in the interests of justice.

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28 Federal Rule of Criminal Procedure 48(a) provides that the

1 government "may, with leave of court, dismiss an indictment,
2 information, or complaint." Based on its assessment of witness
3 availability during preparation for the trial set in this matter on
4 August 6, 2019, the government has re-evaluated Count Five of the
5 FSI. Since the FSI was filed on June 5, 2018, certain witnesses
6 pertinent to the proof of Count Five have either passed away or
7 become otherwise unavailable to testify due to poor health.

8 Accordingly, the government submits that the interests of justice
9 would be best served by dismissing Count Five without prejudice, as
10 the government does not believe it will be able to prove defendants'
11 guilt beyond a reasonable doubt.

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13 Dated: August 5, 2019

Respectfully submitted,

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